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1 was extreme and outrageous besides the
2 way they --

3 A. No.

4 Q. -- handled the
5 investigation?

6 A. Other than him still being
7 there.

8 THE REPORTER: I'm sorry?

9 Q. Pardon?

10 A. Other than him still being
11 there, no.

12 Q. So the fact that he wasn't
13 terminated?

14 A. Well, yes.

15 Q. Okay. Anything else?

16 A. No.

17 Q. Can you tell me what
18 emotional distress you --

19 A. I was --

20 Q. Pardon me. -- you claim to
21 have suffered because of EDS' outrageous
22 conduct?

23 A. Anxiety attacks, panic

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1 attacks, paranoia, humiliation. I was
2 deprived of sleep. I wasn't even
3 comfortable in my work environment
4 anymore. Can't trust anybody around me,
5 just -- can't ride the elevator alone.

6 Q. You said you have anxiety
7 attacks. Have you ever had anxiety
8 attacks prior to February of 2005?

9 A. No.

10 Q. Do you still have anxiety
11 attacks?

12 A. Periodically.

13 Q. How often?

14 A. Well, I had it actually the
15 month of February.

16 Q. Of '05?

17 A. '6.

18 Q. Okay.

19 A. I had one in February '06.
20 Was the year anniversary, actually the
21 year after the incident happened.
22 That's probably about around that
23 time.

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1 Q. Is that the last one that
2 you had?

3 A. Yes.

4 Q. Okay. How often did you
5 have them before that?

6 A. Before that?

7 Q. Uh-huh (affirmative
8 response).

9 A. Oh, after the '05 incident,
10 I was having it quite often.

11 Q. What do you mean by quite
12 often?

13 A. Seems like two, three times
14 a week and I'd have to actually leave.

15 Q. And you'd leave work?

16 A. Yes.

17 Q. And your supervisor allowed
18 that?

19 A. Yes. I had a panic attack.
20 Paramedics had to be called on the
21 job.

22 Q. When did you have a panic
23 attack?

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1 A. I don't recall the time, but
2 I had one and had to be driven home.

3 Q. When was that?

4 A. I don't recall.

5 Q. This year?

6 A. Summer. No, it's last
7 year.

8 Q. Is that the last panic
9 attack you've had?

10 A. No, I had one in '06,
11 February. I'm sorry. '06.

12 Q. So is there a difference
13 between an anxiety attack --

14 A. No.

15 Q. -- and a panic attack --

16 A. No. I thought --

17 Q. -- or are they the same
18 thing?

19 A. They're different.

20 Q. How are they different?

21 A. Panic attack last you -- the
22 panic I was just afraid, just frozen.
23 Anxiety is like I'm hyperventilating.

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1 Q. Did anything happen
2 specifically in February '06 to make you
3 hyperventilate or was it just that it
4 was the anniversary?

5 A. Well, it was around the
6 anniversary.

7 Q. But was there anything else
8 specific that had happened?

9 A. No.

10 Q. What about the panic attack,
11 anything specific set it off or is it
12 just being at work?

13 A. No, it wasn't being at work.
14 It was just -- just sitting there. I
15 don't know. During the summer, last
16 summer sometime is one of the times he
17 was talking to Annie or whatever. And I
18 sit there and I cringe and I just
19 started shaking. And I --

20 Q. And when was the last panic
21 attack you had, was that last summer?

22 A. Yes.

23 Q. Do you take anything for

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1 your anxiety?

2 A. I just took Lexapro for
3 antidepressant supposed to calm me.
4 Some cloc -- I can't say the word. It
5 start with a "C."

6 Q. Okay. What about for panic
7 attacks?

8 A. No.

9 Q. You said you're also
10 paranoid now?

11 A. I was paranoid.

12 Q. Okay. For how long did that
13 last?

14 A. Oh, that lasted good seven,
15 eight months.

16 Q. But you don't feel like
17 you're paranoid now as --

18 A. No.

19 Q. When you say you were
20 humiliated, how?

21 A. Just the -- just had -- one
22 of the coworkers made a remark about the
23 incident that I know I didn't say

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1 anything to anybody about, and she made
2 a remark -- two -- two remarks actually.
3 One of them was when I had an ice pack
4 on my shoulder and a heating pad on my
5 back because I had some torn, whatever,
6 cartilage, ligament, whatever the doctor
7 said. I can't remember. And she came
8 over and she asked me why did I have it
9 on. And I told her I said it's an
10 incident that happened last year and it
11 hadn't healed. She made the comment you
12 shouldn't have fought him. You just
13 have just gave him some. You shouldn't
14 have fought him off in the elevator.
15 You should have just gave him some.

16 Q. Who was that?

17 A. Laura. Laura McNeil.

18 Q. And you're saying you never
19 spoke to --

20 A. No.

21 Q. -- Ms. McNeil about the
22 incident?

23 A. Never. Never spoke to her

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1 about the incident.

2 Q. Did you report her statement
3 to anyone?

4 A. No.

5 Q. Do you know if she spoke to
6 somebody you had talked to about the
7 incident?

8 A. I don't know. I know she's
9 friends with Brenda.

10 Q. Okay. So she might have
11 spoken to somebody you actually told?

12 A. Right.

13 Q. Okay. And you said there
14 was something else?

15 A. Oh, Debra. The day of the
16 incident actually. She was on a break
17 and I was talking to her about it and I
18 was like, Debra Adkins, and I was
19 talking to her about it. And she said,
20 she made a statement, she said, you
21 might want to give it up to him and get
22 some of that cobweb off of your -- she
23 said the personal word of it --

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1 Q. Are you and Ms. Adkins
2 friends?

3 A. -- said cat. Yes.

4 Q. Did you report that?

5 A. No.

6 Q. And you'd actually talked to
7 Ms. Adkins --

8 A. That day.

9 Q. -- about the incident?

10 A. Yes.

11 Q. Any other thing that you say
12 contributed to your humiliation?

13 A. I can't think of it.

14 Q. Had you ever had anything
15 like this happen before?

16 A. No.

17 Q. Never had been in an abusive
18 relationship?

19 A. No.

20 Q. Hadn't been raped or
21 attacked?

22 A. No.

23 Q. You said that you were

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1 deprived of sleep?

2 A. Oh, yes.

3 Q. For how long?

4 A. Oh, I know it had to been up
5 until -- still off and on now, but
6 constantly like seven, eight months,
7 nine months tops.

8 Q. And you got Ambien?

9 A. Yes.

10 Q. Did you ever take Ambien
11 before this?

12 A. No.

13 Q. Any other thing, the
14 emotional distress, anything that has
15 happened that you claim to be the
16 emotional stress that you suffered?

17 A. No.

18 Q. Just anxiety, panic attacks,
19 paranoia, humiliation, deprived of
20 sleep. You said you're not comfortable
21 in the work environment?

22 A. Right. Shoulder pain.

23 Q. The shoulder pain?

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1 A. Yes.

2 Q. When did you see a doctor
3 about that?

4 A. Actually, initially saw
5 Rachel McKinney back in February of last
6 year. She sent me to a neurologist.

7 Q. To a neurologist?

8 A. Yes.

9 Q. Okay.

10 A. On -- on the 17th of
11 February of '05.

12 Q. And who was that?

13 A. Paul Miller.

14 Q. And what did he do?

15 A. He did a ECG or E something
16 on that.

17 Q. And what did he find,
18 anything?

19 A. I think he found something.
20 He gave me something. Some
21 anti-inflammatory and he told me to come
22 back in six months. And I came back in
23 six months and pains was still there.

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1 And he said he has to schedule an MRI.

2 Q. Have you had an MRI?

3 A. Yes. Two.

4 Q. And?

5 A. And I don't know --

6 Q. You don't know the
7 results?

8 A. Yeah, I know the results. I
9 don't know the terminology that they
10 used.

11 Q. In layman's terms.

12 A. Layman's terms, something is
13 torn in between that. It was swelling.

14 Q. Had you done anything
15 between February of '05 and when was the
16 MRI?

17 A. The MRI I had November. I
18 had two. I don't recall the dates. But
19 I had --

20 Q. So November of '05?

21 A. And -- no. January this
22 year, '06, and I think it was one last
23 year.

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1 Q. Okay.

2 A. X-ray, MRI, one of the
3 two.

4 Q. And it's your contention it
5 happened because of what was on the
6 elevator?

7 A. Because I pulled -- tore
8 cartilage or ligament or something. It
9 was swelling. Said releasing fluids in
10 there.

11 Q. And you hadn't done anything
12 between --

13 A. No.

14 Q. -- the visits that would
15 cause that?

16 A. No.

17 Q. Okay. And my understanding
18 is you filed a worker's comp claim --

19 A. Yes.

20 Q. -- about a year after the
21 incident?

22 A. Yes. I didn't know about it
23 when I was going through physical

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1 therapy or something they was telling
2 me. Dr. Barrington's office, she stated
3 she was going to -- I need to file a
4 workman's comp claim on it. I didn't
5 know. I was -- I just paying it.

6 Q. And EDS didn't try to stop
7 you from filing a worker's comp claim,
8 did they?

9 A. Not that I'm aware.

10 Q. In fact you went to your
11 supervisor Tara Relf and she helped you
12 fill out the forms?

13 A. No. She just told me where
14 to go to get it.

15 Q. Okay. Did she have to fill
16 anything out?

17 A. I think she did. I don't
18 know.

19 Q. What happened with that?

20 A. They denied it because they
21 stated that it was on the elevator,
22 something.

23 Q. Okay. Did you appeal the

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1 denial?

2 A. No. I didn't -- didn't know
3 I could.

4 Q. And do you know who made the
5 decision?

6 A. No.

7 Q. Okay. Is it your
8 understanding that EDS has a third party
9 administrator for its worker's comp?

10 A. No, I didn't.

11 Q. Okay. How did you find out,
12 who told you that your worker's comp had
13 been denied?

14 A. They sent a letter.

15 Q. Who's they?

16 A. Someone out of Georgia from
17 the workman's comp.

18 Q. Okay. It wasn't from EDS?

19 A. I'm not sure.

20 Q. Do you have that
21 documentation?

22 A. I don't know. I may. I
23 don't think I have it on me, but I have

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1 it. I'll give it to my attorney. He'll
2 get it to you.

3 Q. Who all have you seen as a
4 result of what you claim to have
5 happened at EDS? And by seen, I mean
6 doctors or counselors.

7 A. Vonceil Smith, Paul Miller.
8 You said for the incident or just
9 purely --

10 Q. First as a result of the
11 incident.

12 A. Okay. Dr. Barrington,
13 McKinney, physical therapy at A -- AOS
14 which is Dr. Barrington's office, a
15 chiropractor. I think it's Peavy.

16 Q. What's his name again?

17 A. Dr. Peavy. P-E-A-V-Y. I
18 think that's it.

19 Q. Okay. We've talked about
20 Ms. Smith. She's a psychiatrist?

21 A. Psychiatrist.

22 Q. And you stopped seeing her
23 in November?

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1 A. Yes.

2 Q. And what medication did she
3 give you?

4 A. She actually can't
5 prescribe. Another doctor in there
6 prescribe some -- the cloc -- start with
7 a "C" and Lexapro. He put me on some
8 Zoloft that was too strong. Ambien.

9 Q. Okay. Did you see this
10 other doctor?

11 A. Yes.

12 Q. What was his name?

13 A. I can't recall his name.

14 Q. How often did you see him?

15 A. I think I saw him a total of
16 three times.

17 Q. Were they counseling
18 sessions as well or was it --

19 A. Yes.

20 Q. -- just --

21 A. Counseling.

22 Q. Have you seen him since
23 November of '05?

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1 A. No.

2 Q. And I think you said that
3 your -- I guess your primary care
4 physician has been the one giving you
5 Lexapro now?

6 A. Yes. He's in Baptist
7 East.

8 Q. Zest?

9 A. East.

10 Q. Okay. How long has he been
11 prescribing Lexapro?

12 A. I just begin new insurance.
13 Old primary so this year, April.

14 Q. Was there a time frame you
15 weren't taking Lexapro or any other
16 antidepressant?

17 A. No. No. I have Lexapro --
18 I have a prescription for Lexapro so on
19 file.

20 Q. Okay. Paul Miller?

21 A. Neurologist.

22 Q. Is he the person you saw for
23 your shoulder?

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1 A. Yes.

2 Q. When's the last time you saw
3 him?

4 A. Well, I saw Barrington for
5 my shoulder. Miller was ruling out MRI,
6 anything. He's neurologist.

7 Q. Okay. So he was --

8 A. I saw him in January.

9 Q. So he's the person who did
10 the MRI?

11 A. One of them, yes. Stephen
12 Barrington did the other one.

13 Q. And who's the one that said
14 you had something torn?

15 A. Barrington.

16 Q. What did Paul Miller say?

17 A. He ruled out any neurology
18 damage and he referred me to
19 Barrington.

20 Q. So you saw Miller first?

21 A. I saw Miller first of last
22 year and they did an ECG on the
23 shoulder.

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1 Q. And didn't find anything --

2 A. No. He wasn't specialized
3 in that.

4 Q. What about McKinney, who was
5 that?

6 A. She was my primary care.

7 Q. When did you see her?

8 A. I saw her February '05. I
9 don't know the exact date. But it was
10 like 13th or the 14th.

11 Q. Prior to seeing Dr. Smith?

12 A. No -- yes, prior to Smith.

13 Q. Okay. And what did Dr.
14 McKinney do for you in February of
15 '05?

16 A. Give me some ibuprofens and
17 some Ambien. Because I was explaining
18 to her I wasn't able to sleep.

19 Q. Have you seen her since for
20 anything as a result of the incident?

21 A. No.

22 Q. Okay. I assume you might
23 see her for something else, but nothing

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1 related to this incident?

2 A. Right.

3 Q. Okay. You said you had some
4 physical therapy. How often and when?

5 A. Started it was three days a
6 week.

7 Q. When was that?

8 A. Started in May, June this
9 year.

10 Q. Of '06?

11 A. Yes.

12 Q. Hadn't had physical therapy
13 before then?

14 A. No.

15 Q. Okay. Are you currently?

16 A. I have a -- physical
17 therapy?

18 Q. Physical therapy. How often
19 now?

20 A. I have to do it three days a
21 week.

22 Q. Where do you do it?

23 A. Fluctuates. They gave me --

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1 I couldn't afford it because it was too
2 expensive. Gave me a chart and traction
3 and everything to do it at home, make
4 sure do it at home.

5 Q. Do you still have medical
6 benefits through EDS?

7 A. Yes.

8 Q. Now, you said something
9 about a chiropractor. When did you see
10 a chiropractor?

11 A. I saw him in January '06.

12 Q. Only once?

13 A. Yes.

14 Q. Why only once?

15 A. Because the swelling was in
16 my neck so high that he stated to me
17 that I need to see a doctor to get the
18 swelling down.

19 Q. Did he refer you to someone?

20 A. No. I had someone.

21 Q. Did you see him before or
22 after you saw the neurologist Miller?

23 A. Saw Miller '05 and I just

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1 went to a chiropractor '06, January
2 '06.

3 Q. So you didn't see the
4 neurologist in '06?

5 A. Yes, I did. I saw one in
6 '05.

7 Q. Okay.

8 A. Saw -- when the swelling in
9 my shoulders, the anti-inflammatory
10 wasn't -- wasn't taking it. I went to
11 see a chiropractor because I thought it
12 was tension.

13 Q. Uh-huh (affirmative
14 response).

15 A. And he did an X-ray and he
16 stated to me I have swelling. Then I
17 went back to Miller.

18 Q. Okay. So you saw the
19 chiropractor first and then you went
20 back to Miller?

21 A. Yes.

22 Q. Okay. Have you been back to
23 the cry -- chiropractor since?

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1 A. No.

2

3 (Defendants' Exhibit No. 10 was
4 marked for identification)

5

6 Q. You've been handed Exhibit
7 No. 10. Do you recognize this
8 document?

9 A. Yes.

10 Q. What is it?

11 A. From my psychiatrist,
12 Vonceil Smith.

13 Q. Okay. And she's actually a
14 licensed psychologist --

15 A. Yes.

16 Q. -- not a psychiatrist?

17 A. Yes.

18 Q. Okay. And this is dated
19 March 14, 2005?

20 A. Uh-huh (affirmative
21 response).

22 Q. Is that about the time you
23 started seeing her?

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1 A. Yes.

2 Q. Okay. Why did she write
3 this note?

4 A. Because of my anxiety and
5 panic attacks.

6 Q. Did you ask her to write the
7 note?

8 A. No.

9 Q. Okay. She handed you the
10 note --

11 A. No, she did not. I guess
12 during our sessions and the medicine
13 that was prescribed to me and she -- I
14 don't know why she did it. But she --
15 based off of how I was acting,
16 responding. She was questioning me
17 basically about the workplace and she
18 wrote the note.

19 Q. Okay. Did you ever give the
20 note to anybody?

21 A. Yes. I gave it to Tara.

22 Q. Okay. And what was Tara's
23 response?

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1 A. Just filed it.

2 Q. And did you ever have to
3 take some time off work because of the
4 anxiety attacks or panic attacks?

5 A. Yes.

6 Q. Okay. And EDS let you take
7 that time off?

8 A. Yes.

9 Q. She said that your
10 medication regiment. What was your
11 medication regiment in March of '05?

12 A. That was the Ambien and
13 cloc -- start with a "C", some other
14 stuff, antidepressants.

15 Q. I understand you've been on
16 different antidepressants. Have you
17 ever been on more than one at a time?

18 A. No.

19 Q. Okay. And you would take
20 the Ambien at night to sleep?

21 A. Yes.

22 Q. You didn't take it during
23 the day, did you?

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1 A. No.

2 Q. Okay. And the
3 antidepressants, how often did you take
4 that?

5 A. She had me take those once a
6 day.

7 Q. Okay. And were there any
8 side effects from the antidepressants?

9 A. Not that I noticed. I don't
10 know. Maybe groggy.

11 THE REPORTER: Maybe what?

12 A. I'm sorry. Groggy.

13 Q. Did you ever have to leave
14 work because you were too groggy to
15 work?

16 A. Yes.

17 Q. When? How often?

18 A. Not often. I don't
19 recall.

20 Q. More than once that you left
21 work because you were too groggy?

22 A. From the medicine?

23 Q. Yes.

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1 A. Probably, yes.

2 Q. Ten times, less than ten?

3 A. No, it's not that. No more
4 than two, three times probably.

5 Q. And EDS always let you take
6 that time off?

7 A. Sick time.

8 Q. Sick time; correct?

9 A. Yes. Some vacation. Took
10 vacation time off.

11 Q. Okay.

12

13 (Defendants' Exhibit No. 11 was
14 marked for identification.)

15

16 Q. This appears -- I mean,
17 you've got Exhibit No. 11 and it's
18 something I believe you produced to us.

19 A. Uh-huh (affirmative
20 response).

21 Q. It appears to be some sort
22 of pharmacy history?

23 A. Right.

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1 Q. Okay. And this is your
2 pharmacy history for 2005?

3 A. Uh-huh (affirmative
4 response).

5 Q. Okay. Can you tell me what
6 the first prescription fluconazole is
7 for?

8 A. I don't know. That's
9 from -- I think it was like something
10 like a Diflucan --

11 Q. Okay. This wasn't --

12 A. -- like flu --

13 Q. That --

14 A. No, that's my GYN, the first
15 one.

16 Q. Okay. So Dr. Saucer is your
17 OB/GYN?

18 A. Correct.

19 Q. So anything he's on here for
20 wasn't as a result of the --

21 A. No.

22 Q. -- alleged incident at EDS?

23 A. No.

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1 Q. Okay. And then you've got
2 Rachel McKinney, the ibuprofen?

3 A. Correct.

4 Q. Okay. And she's your
5 primary care physician?

6 A. Correct.

7 Q. Okay. And also the
8 Ambien?

9 A. Yes.

10 Q. Okay. And it looks like she
11 didn't prescribe anything else for you
12 in 2005; correct?

13 A. Correct.

14 Q. Had she pres -- prescribed
15 for you in 2006?

16 A. She's not my primary care
17 physician. She's out of network, so I
18 had to find another one.

19 Q. Who's your primary care
20 physician now?

21 A. Baptist East.

22 Q. Who?

23 A. The Baptist East.

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1 Q. Oh. But do you have a
2 specific doctor?

3 A. No.

4 Q. Do you have a pharmacy
5 history printout for 2006?

6 A. No.

7 Q. Can you get one?

8 A. Yes.

9 Q. I'd ask that you get one and
10 provide to your attorney --

11 A. Okay.

12 Q. -- so he can give it to me.
13 Then you have Dr. Hall?

14 A. Yes, Behavior Medicine.

15 Q. Is he the psychiatrist that
16 worked with Dr. Smith?

17 A. Yes. Yes.

18 Q. Okay. And this has
19 Clonazepam?

20 A. Yes.

21 Q. In March of '05?

22 A. Uh-huh (affirmative
23 response).

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1 Q. Okay. Was that an
2 antidepressant?

3 A. I think that was the -- for
4 antipanic, antidepressant.

5 Q. For panic or --

6 A. Panic. The panic.

7 Q. That was panic?

8 A. Yes.

9 Q. Okay. So that was not an
10 antidepressant?

11 A. No.

12 Q. Okay. Then you have Dr.
13 Saucer again, who's --

14 A. Yes.

15 Q. -- the OB/GYN that's not
16 related to this?

17 A. That's correct.

18 Q. And you have in June of '05
19 Dr. Hall prescribing Clonazepam again?

20 A. Okay.

21 Q. And that's the anxiety,
22 panic attack?

23 A. Yes.

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1 Q. Okay. There doesn't appear
2 to be any antidepressant on here?

3 A. Plus he gave me samples.

4 Q. Okay. Do you know what
5 samples he provided?

6 A. Lexapro and Zoloft.

7 Q. Have you ever gotten a
8 prescription for either one of those?

9 A. No.

10 Q. Even today you don't have a
11 prescription?

12 A. No, I have -- have a
13 prescription for it.

14 Q. And who gave you that
15 prescription?

16 A. Baptist East.

17 Q. And when did you get that
18 prescription written?

19 A. She gave me that August this
20 year.

21 Q. So prior to August of '06,
22 you didn't have a prescription for an
23 antidepressant, you just had samples?

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1 A. I had -- I had a
2 prescription but I had another sample
3 that I didn't need to get the
4 prescription filled.

5 Q. Okay. When did you
6 originally get the prescription?

7 A. He gave that back to me back
8 in June of last year.

9 Q. June of '05?

10 A. Yes.

11 Q. And you say he. Who?

12 A. Dr. Hall.

13 Q. But you never had it
14 filled?

15 A. No. 'Cause he gave me
16 enough samples.

17 Q. And what was that
18 prescription for?

19 A. Lexapro.

20 Q. And currently I think from
21 earlier you're taking Ambien and
22 Lexapro --

23 A. Right.

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1 Q. -- and that's it? Now, you
2 also made in your complaint an
3 allegation, a cause of action for
4 assault and battery. Is that against
5 Mr. Williams, against EDS, or against
6 both?

7 A. Mr. Williams.

8 Q. Mr. Williams. It's not
9 against EDS?

10 A. No.

11 Q. What about invasion of
12 privacy, is that against Mr. Williams or
13 against EDS or both?

14 A. Both.

15 Q. Okay. How did EDS invade
16 your privacy?

17 A. Public humiliation and the
18 shame basically and the uncomfortable
19 work environment that I incurred after
20 that. Plus, they allowed -- I feel they
21 allowed it to go on and continue it to
22 go on.

23 Q. Allowed what to continue to

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1 go on?

2 A. The hostile environment that
3 I'm in.

4 Q. And what's that hostile
5 environment that you're in?

6 A. The looks, the
7 intimidation.

8 Q. And by intimidation, it's
9 all nonverbal and noncontact?

10 A. Right.

11 Q. Okay. Anything else that
12 EDS has done to invade your privacy?

13 A. Pretty much allowing it to
14 go on.

15 Q. And by that you mean, it's
16 all after February of '05?

17 A. Right.

18 Q. Did they invade your privacy
19 prior to February of '05?

20 A. No.

21 Q. And when did they start
22 invading your privacy?

23 A. By allowing it after '05,

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1 just allowing it to go on.

2 Q. So by -- and by that I
3 mean -- I'm trying to pin down by
4 allowing it to go on. I -- it is the
5 intimidation that you're talking about;
6 correct, or is it something else?

7 A. The intimidation and
8 humiliation the -- just the
9 uncomfortable work environment.

10 Q. How have they -- okay. How
11 have they allowed the humiliation to go
12 on? You haven't reported --

13 A. Yes, I reported to Tara
14 the --

15 Q. What did you report?

16 A. -- intimidation that
17 Mr. Williams done.

18 Q. All by Mr. Williams?

19 A. Yes.

20 Q. Okay. And you're not aware
21 of what, if any, investigation EDS did
22 with respect to that?

23 A. Well, yes, I am. She stated

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1 to me there was nothing she could do
2 about it as long as, you know, he's at
3 a -- he's at a distance or something.
4 She said just deal with it.

5 Q. Okay. Do you know if an
6 investigation took place?

7 A. No, it didn't take place.

8 MS. VIDEOGRAPHER: Ms.
9 Jacobs, I'm sorry, I need to change
10 tapes.

11 MS. JACOBS: That's okay.

12 MS. VIDEOGRAPHER: Off the
13 record. We conclude Tape 3. The time
14 is 12:49.

15
16 (A brief recess was taken.)

17
18 MS. VIDEOGRAPHER: Back on
19 the record. We commence Tape 4. The
20 time is 12:54.

21 Q. (By Ms. Jacobs) Ms. Jacobs,
22 we've been talking a little bit about
23 counselors or psychiatrists that you

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1 have seen since February of '05;
2 correct?

3 A. Correct.

4 Q. Have you actually been
5 diagnosed by any of them with
6 anything?

7 A. Yes.

8 Q. What's a diagnose that you
9 received?

10 A. One doctor stated I was
11 suffering from post-traumatic stress
12 syndrome.

13 Q. Who is that?

14 A. Doctors at Baptist East.

15 Q. So your primary care
16 physician?

17 A. Yes.

18 Q. Do you know specifically
19 which doctor at Baptist East that was?

20 A. No.

21 Q. Male or female?

22 A. Male.

23 Q. Had you been diagnosed with

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1 post-traumatic stress disorder prior to
2 that?

3 A. Dr. Smith.

4 Q. When did she diagnose you
5 with that?

6 A. '05.

7 Q. Anybody else?

8 A. No.

9 Q. Any other diagnosis that
10 you've been given?

11 A. No.

12 Q. So Dr. Hall, I think, was he
13 the psychiatrist that wrote the
14 prescriptions?

15 A. Yes.

16 Q. Did he make any diagnosis as
17 far as you're aware?

18 A. Not as far as I'm aware.

19 Q. When was the last time you
20 saw a doctor at Baptist East?

21 A. August '06.

22 Q. August '06?

23 A. August '06.

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1 Q. And what was that for?

2 A. A physical.

3 Q. When's the last time you saw
4 a doctor with respect to your mental
5 issues?

6 A. November '05.

7 Q. And what doctor was that?

8 A. Smith.

9 Q. So you're not currently
10 seeing a psychiatrist or psychologist?

11 A. No.

12 Q. And you're not currently
13 seeing anybody at Baptist East for
14 that?

15 A. No.

16 Q. Have you talked to any of
17 your coworkers about this litigation?

18 A. No.

19 Q. You've not talked to one of
20 your coworkers the fact that you've sued
21 EDS or Mr. Williams?

22 A. No, not sued. I told them I
23 have an attorney.

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1 Q. Okay. Have you talked to
2 them about what you were planning to
3 do?

4 A. No.

5 Q. Have you talked to them --
6 have you ever talked to a coworker about
7 the fact that you thought EDS would
8 settle with you?

9 A. No.

10 Q. Have you talked to them
11 about any specific dollar amounts that
12 you want from EDS?

13 A. No.

14 Q. So if a coworker said you
15 had, they'd be lying?

16 A. Yes.

17 Q. Okay. Have you told anybody
18 that EEOC thought you had a good case?

19 A. No.

20 Q. Have you told anybody that
21 your attorney said that EDS had offered
22 to settle with you?

23 A. No.

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1 Q. Or that was going to settle
2 with you?

3 A. No.

4 Q. So if anybody said any of
5 those things, they would be lying?

6 A. Correct.

7 Q. Have you ever had
8 pornographic material on your
9 computer?

10 A. No.

11 Q. Have you ever been alleged
12 to have had it on your computer?

13 A. Yes.

14 Q. When was that?

15 A. Back in '98, '99.

16 Q. And what happened?

17 A. Was pulled in the office and
18 showed some information. Stated that
19 they pulled it off my computer and I
20 stated that it didn't come off my
21 computer. I don't know how it got on
22 there.

23 Q. Had you received some

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1 pornographic information on that
2 computer?

3 A. Not to my knowledge.

4 Q. Did you state differently to
5 EDS?

6 A. Yes, I did.

7 Q. And what did you tell them?

8 A. I told them I didn't know
9 where it came from.

10 Q. You didn't tell them that
11 you'd received something from a friend
12 and deleted it or thought you had
13 deleted it?

14 A. I told them -- I get --
15 probably said something along the line I
16 got an e-mail. I didn't know what it
17 was. Wasn't familiar and I deleted it
18 that way.

19 Q. That you never even opened
20 it?

21 A. No.

22 Q. Now, if -- if a coworker
23 testified that you had -- had stated

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1 that you had brought a gun to work or
2 had it in you car, would they be
3 lying?

4 A. Yes.

5 Q. And if they stated that you
6 threatened to use it against another
7 coworker, would that be a lie as well?

8 A. Yes.

9 Q. Okay. And if somebody said
10 that you had threatened your coworkers
11 or made threats against your coworkers
12 that would be a lie as well?

13 A. Yes.

14 Q. Have you ever talked to any
15 of your coworkers that this would be --
16 this litigation would be a way to get
17 you out of debt?

18 A. No.

19 Q. So if somebody said that,
20 that would be a lie as well?

21 A. Yes.

22 Q. Did you ever tell a coworker
23 that you had a role to play and that's

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1 why you were going to see a
2 psychiatrist?

3 A. No.

4 Q. Have you ever told a
5 coworker that EDS couldn't fire you
6 now?

7 A. No.

8 Q. Do you think EDS could fire
9 you?

10 A. Yes.

11 Q. Okay. Do you think they
12 had -- that you understand the at will
13 nature of your employment that --

14 A. Yes.

15 Q. -- you can quit at any
16 time?

17 A. Yes.

18 Q. And they can fire you as
19 long as it's not for any legal reason?

20 A. Yes.

21 MS. JACOBS: Okay. Pass the
22 witness to you.

23 MR. WILLIAMS: Okay.

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1 MS. VIDEOGRAPHER: You want
2 to just switch mics or want --

3 MR. WILLIAMS: Sure.

4 MS. JACOBS: Okay.

5 MS. VIDEOGRAPHER: Or he can
6 use that one, whatever.

7 MS. JACOBS: Happy to get
8 rid of the mic.

9 MR. WILLIAMS: Sounds
10 agreeable.

11 MR. WALKER: A lot of
12 responsibility comes with that mic.

13 MR. WILLIAMS: That's right.

14

15 EXAMINATION BY MR. WILLIAMS:

16 Q. Ms. Jacobs, do you have
17 family here in Montgomery?

18 A. Yes.

19 Q. Tell me the names of any
20 family that you have in this area, and
21 if they're employed, where they're
22 employed, please.

23 A. My entire family's here.

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1 Cynthia Sanders, Eddie Sanders, Linda
2 Bowling.

3 Q. Well, if you'll -- if you'll
4 go ahead, it might save some time. Just
5 go ahead and tell me if where they live
6 and if they're employed.

7 A. Most my family's here is --

8 Q. I'm just saying, we do it
9 anyhow you want to.

10 A. Okay.

11 Q. But it'd be helpful if you'd
12 say their name, where they live, and if
13 they're employed and where.

14 A. Cynthia Sanders, Ridgecrest,
15 employed at the -- I think it's the
16 Capitol; Eddie Sanders, retired, works
17 at the church; Jerome Bowling --

18 Q. Which church? I'm sorry.

19 A. Freewill. I'm sorry.

20 Freewill. Jerome Bowling; stepfather,
21 Ellis; Mildred Smith, school teacher;
22 Eloise Smith, work at Baptist; Mable
23 Robinson, works at Wal-Mart; Reginald

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1 Smith, works on Gunter, IT; Daryl Smith,
2 works at Russell; Taqueta Smith, works
3 at Colonial Bank. Let's see. Andrew
4 Smith, works at Stern Brothers; Joseph
5 Smith, works at Rheem. I have aunts
6 that's nurses. Fab --

7 THE REPORTER: I'm sorry.

8 A. Fabiola Jacobs, she's a
9 nurse. I have a big, huge family.

10 Q. Let -- let me stop you right
11 there. You didn't tell me what
12 relationship they were. Tell me who are
13 your parents.

14 A. Linda Bowling and Jerome
15 Bowling. Well, Linda Bowling is my
16 mother. Willie Jacobs, Major Willie
17 Jacobs is my father.

18 Q. All right. And the other
19 family members you listed, is that
20 brothers and sisters?

21 A. No. Aunties. And I have a
22 sister Tonya Jacobs Phillips in
23 Mississippi.

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1 Q. Okay. Let me ask you
2 something else. We'll be here all day.
3 Why don't we just get a list.

4 MR. WALKER: We'll get --
5 we'll put one together for you.

6 MR. WILLIAMS: So you can
7 tell me what their relationship is.

8 MR. WALKER: We'll -- we'll
9 give you the relationship and we'll give
10 you --

11 Q. (Mr. Williams) That'd be
12 great. And your children, your two
13 sons, where they attend school?

14 A. One at Floyd -- Floyd Middle
15 Magnet School. The other one's at
16 Dannelly.

17 Q. All right. Since you've
18 been living at Flamingo Lane, has anyone
19 lived there with you other than your
20 sons and I think you said Eric Blue,
21 Senior?

22 A. That's it.

23 Q. All right. Now where does

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1 Eric Blue, Senior live now?

2 A. He's in North Carolina.

3 Q. Does he work in North
4 Carolina?

5 A. I'm not sure. He just
6 recently relocated.

7 Q. What was he doing when he
8 lived down here with you?

9 A. He was general manager at
10 Applebee's.

11 Q. Has he ever been arrested?

12 A. I think so.

13 Q. For what?

14 A. I don't know.

15 Q. But you said I think earlier
16 he's the father of your two sons?

17 A. Yes.

18 Q. Is he originally from the
19 Montgomery area?

20 A. Yes, he is.

21 Q. Do you know where he went to
22 school here?

23 A. Lee, Robert E. Lee.

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1 Q. Now, I thought you said
2 earlier that there was a Dr. Bernard
3 Hill at --

4 A. Hale.

5 Q. -- American Family Care?

6 A. Hale. Hale.

7 Q. I'm sorry.

8 A. Bernard Hale.

9 Q. How do you Spell that?

10 A. H-A-L-E.

11 Q. Now, is he your doctor
12 too?

13 A. No, he's not my doctor.
14 He's just an emergency care physician.

15 Q. Okay. Has he prescribe
16 medication for you?

17 A. Yes, he did. Ambien.

18 Q. All right. We saw a sheet
19 of paper that showed us Rite Aid and I'm
20 not sure what the location was, but it
21 looks like it's on West Fairview?

22 A. Correct.

23 Q. Is that your primary drug

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1 store?

2 A. Yes.

3 Q. Have you got any
4 prescriptions filled anywhere in the
5 last couple years anywhere else?

6 A. Yes. CVS.

7 Q. Which location?

8 A. Fairview.

9 Q. All right. So if we got the
10 records for Rite Aid and CVS on
11 Fairview, we'd have all your pharmacy
12 records --

13 A. Yes.

14 Q. -- within the last three or
15 four years?

16 A. Yes.

17 Q. All right. You listed your
18 employment earlier since you graduated
19 from Alabama A&M in 1994. Is there any
20 other employment that you didn't tell us
21 about?

22 A. Since '94?

23 Q. Since you graduated from

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1 college?

2 A. No. I was pregnant. No.

3 Q. Was Mr. Blue living in
4 Huntsville too at that time?

5 A. Yes.

6 Q. Did he go to Alabama A&M as
7 well?

8 A. Yes.

9 Q. The church that you attend,
10 you mentioned something about your
11 church. Which church do you --

12 A. Freewill.

13 Q. What's the whole?

14 A. Missionary Baptist Church.

15 Q. And where is it located?

16 A. Hill Street.

17 Q. And is that the only church
18 you've attended during -- since the last
19 couple years?

20 A. Yes.

21 Q. The Boys and Girls Club that
22 was located in the same building, is
23 that Montgomery or central Alabama?

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1 A. I'm not sure. I think
2 Montgomery. I'm not sure.

3 Q. Do you know anybody that
4 works there?

5 A. No.

6 Q. Or did you?

7 A. No.

8 Q. Okay. You -- you mentioned
9 when you reported that there was some
10 knocking on your window or your door at
11 your house during that time period that
12 you called the police. Was it the
13 Montgomery Police Department?

14 A. Yes.

15 Q. And so if we go to
16 Montgomery Police Department records,
17 there'll be records there --

18 A. Yes.

19 Q. -- for these occurrences?

20 A. Yes.

21 Q. More than ten times that you
22 reported it?

23 A. No.

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1 Q. Less than that?

2 A. Yes.

3 Q. And specifically what period
4 of time did you report that this was
5 occurring?

6 A. What do you mean, the time
7 frame or --

8 Q. Yes, ma'am.

9 A. It was after -- it has to
10 been -- I know it was after February.
11 It might have been May '05, some in
12 June, July '05, if I'm not mistaken.

13 Q. But you just don't have any
14 idea who that could have been?

15 A. No.

16 Q. And was Mr. Blue living
17 there at the time?

18 A. He wasn't living there but
19 he was at -- he was there at the time.

20 Q. So Mr. Blue could tell us
21 about circumstances of what had
22 occurred?

23 A. Yes.

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1 Q. Now, you mentioned that you
2 got the .22 pistol. But as I understand
3 it, you got the pistol and took it and
4 then locked it up at your house?

5 A. I placed it in my closet in
6 my safe, correct.

7 Q. Right.

8 A. Yes.

9 Q. Well, I mean, if it's in a
10 safe, it's locked up, isn't it?

11 A. Correct.

12 Q. Okay. So you got the
13 pistol, you took it and put it in your
14 safe?

15 A. Correct.

16 Q. Have you ever shot it
17 ever?

18 A. No. Probably once.

19 Q. Okay. Do you know how to --

20 A. No.

21 Q. -- handle a gun at all?

22 A. No. That's why it's put
23 up.

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1 Q. So basically you got the
2 gun, took it, put it in your safe and
3 never got it back out?

4 A. No.

5 Q. Right?

6 A. Right.

7 Q. What was the occasion for
8 you shooting it?

9 A. Just practice, tried it, and
10 didn't like the way it felt.

11 Q. Where did you shoot?

12 A. Just out in the air.

13 Q. In your yard?

14 A. Yes.

15 Q. And who was with you?

16 A. No one.

17 Q. Do you actually have
18 ammunition for it?

19 A. Yes.

20 Q. Do you have that at your
21 home?

22 A. Yes.

23 Q. Where is that located?

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1 A. In the safe.

2 Q. Okay. So you got the gun,
3 you went and bought some ammunition.
4 Did you go buy ammunition for it?

5 A. Yes.

6 Q. Where did you buy it?

7 A. Wal-Mart.

8 Q. Got ammunition for it, shot
9 it once, took it, locked it up in your
10 safe and hadn't gotten it back out since
11 then?

12 A. Correct.

13 Q. And it's still there
14 today?

15 A. Yes.

16 Q. Do you own any other gun?

17 A. No.

18 Q. Have you ever owned any guns
19 before?

20 A. No.

21 Q. On this incident you
22 described for us in January of '05
23 involving Mr. Williams saying something

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1 to you that you were offended by, is
2 there anywhere we can find any
3 documentation about that incident?

4 A. Other than speaking to
5 Brenda, no.

6 Q. Well, I mean
7 documentation?

8 A. No.

9 Q. An e-mail, anything written
10 down?

11 A. No.

12 Q. An e-mail that you send a
13 friend from your house, anything?

14 A. No.

15 Q. So the only person that
16 could tell us anything about that other
17 than you would be Brenda?

18 A. Correct.

19 Q. And you say you reported to
20 her on the day it occurred?

21 A. Yes.

22 Q. All right. Let me ask you a
23 couple of questions about Defendants'

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1 Exhibit No. 6 that we talked to about
2 before which is the statement that you
3 typed up dated February 23rd of '05.
4 You typed that up, didn't you?

5 A. Yes.

6 Q. And that was less than two
7 weeks after you say this occurred;
8 correct?

9 A. Yes.

10 Q. And you actually typed this
11 yourself?

12 A. Yes.

13 Q. And you knew that when you
14 typed this that it was important to
15 prepare a full and accurate account what
16 had occurred; correct?

17 A. Not -- an account of what
18 happened, yes.

19 Q. I mean, you made a report to
20 Ms. Leslie Liebman, didn't you?

21 A. Correct.

22 Q. And you knew that she was
23 human resources; correct?

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1 A. Correct.

2 Q. And you knew that you were
3 reporting something Mr. Williams had
4 done pursuant to sexual harassment
5 policy; correct?

6 A. Correct.

7 Q. You knew it was important to
8 include everything in here that had
9 occurred in that incident, didn't you?

10 A. To report the incident, but
11 everything I didn't -- apparently, when
12 I was typing, I was thinking ahead of my
13 typing.

14 Q. I'm not asking you what you
15 were thinking.

16 A. Okay.

17 Q. I'm asking you when you
18 prepared this you knew that it was
19 important to put everything in there
20 that had happened to you, didn't you?

21 A. Not everything, majority of
22 what happened.

23 Q. Okay. So when you reported

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1 to human resources person, you were just
2 going to put most of what happened?

3 A. I put down what happened to
4 me. But I guess the details -- I didn't
5 put all the details. I put down what
6 happened to me.

7 Q. Okay. So you didn't think
8 it was important enough when you made
9 this report less than two weeks from the
10 time it occurred to put the details in
11 the report; correct?

12 A. I -- I put the details in
13 there.

14 Q. Okay. All right. That's
15 what I asked you at the beginning of all
16 this. When you made this statement,
17 Defendants' Exhibit No. 6, to the human
18 resources director, you knew that it was
19 important to give a full and detailed
20 account of what had occurred?

21 A. You're saying full. I put
22 the detail what happened. I didn't but
23 the full detail.

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1 Q. Let's just go with detail
2 then. You knew when you made this
3 statement and when you typed it up that
4 it was important to put all of the
5 details of what had occurred, didn't
6 you?

7 A. The detail, you put all.

8 Q. What I just said --

9 A. I didn't put -- you just
10 said all the detail. I didn't put all
11 the detail. I put the details.

12 Q. Okay. There's something
13 about this you don't like, isn't it? Is
14 this -- let me ask you this: Is
15 Defendants' Exhibit No. 6, is that a
16 true account of what occurred?

17 A. Not all of what occurred but
18 what occurred.

19 Q. Okay. So you didn't give a
20 true and full account of what occurred
21 when you prepared this, did you?

22 A. I gave the detail what
23 happened.

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1 Q. Okay. Are the details
2 contained in Defendants' Exhibit No.
3 6?

4 A. Not the full detail.

5 Q. Okay. And you didn't think
6 it important enough to give the full
7 details?

8 A. I guess I blocked it out.

9 Q. But once you went to see a
10 lawyer and you went to his office and he
11 typed it up, then you put some
12 additional information in Defendants'
13 Exhibit No. 8, didn't you?

14 A. I put down -- all of this
15 right here is not on here (indicated).

16 Q. Okay. I didn't ask you
17 that.

18 A. But this right here I told
19 exactly step by step what happened when
20 I was in his office.

21 Q. No, ma'am, that's not what I
22 asked you. If you'll listen carefully
23 to my question.

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1 A. Said add --

2 Q. I think it was fairly clear.
3 I said after you went to see your
4 lawyer --

5 A. Uh-huh (affirmative
6 response).

7 Q. -- and you signed
8 Defendants' Exhibit No. 8 and he typed
9 it up, it's got additional information
10 in it, doesn't it?

11 A. It got what happened in
12 here.

13 Q. It has additional
14 information --

15 A. Yes.

16 Q. -- that's not in Defendants'
17 Exhibit No. 6?

18 A. Exactly.

19 Q. The word "breast" is not in
20 Defendants' Exhibit No. 6, is it?

21 A. Okay.

22 Q. Is it?

23 A. No.

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1 Q. You didn't put it in there,
2 did you?

3 A. I neglected to put that in
4 there.

5 Q. When -- less than two weeks
6 after this occurred and you prepared a
7 written statement, you didn't put that
8 he had touched your breast, did you?

9 A. No, I didn't.

10 Q. All right. And you didn't
11 put in Defendants' Exhibit No. 6 that he
12 put his hand in your pants either, did
13 you?

14 A. No.

15 Q. All right. But after you
16 went to meet with your lawyer and he
17 typed it up, it's in Defendants' Exhibit
18 No. 8, isn't it?

19 A. Yes.

20 Q. Is that your rendition of
21 what happened or is that somebody
22 else's?

23 A. That's what happened.

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1 Q. But you didn't remember it
2 when you prepared Defendants' Exhibit
3 No. 6?

4 A. I remember everything that
5 happened.

6 Q. You didn't remember it when
7 you wrote this down, did you?

8 A. When I wrote it, but I
9 remember everything that happened.

10 Q. Right. But when you
11 prepared Defendants' Exhibit No. 6
12 apparently you didn't remember it when
13 you prepared it because you didn't put
14 it in there?

15 A. I remembered it then. I
16 just neglected to put it in there.

17 Q. It wasn't important to
18 you?

19 A. It was very important.

20 Q. But you didn't put it in
21 there?

22 A. It was very traumatizing.

23 Q. It what -- but you didn't

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1 put it in there, did you?

2 A. I was traumatized.

3 Q. Let me ask you something
4 about No. 8. Did you type Defendants'
5 Exhibit No. 8 up?

6 A. No.

7 Q. Who typed that up?

8 A. My lawyer.

9 Q. Now, were you there when it
10 was prepared or was it provided to you
11 later?

12 A. I think I was there.

13 Q. Did you look at Defendants'
14 Exhibit No. 6 when you prepared --

15 A. No.

16 Q. -- No. 8? No?

17 A. No.

18 Q. Did you review Defendants'
19 Exhibit No. 6 before this deposition?

20 A. No.

21 Q. Did you review Defendants'
22 Exhibit No. 8?

23 A. No.

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1 Q. What did you review?

2 A. What did I review?

3 Q. Right.

4 A. My e-mails to Ms. Liebman.

5 Q. All right. Have we looked
6 at all of the documents here today that
7 you reviewed to prepare for your
8 deposition?

9 A. I didn't review none of this
10 before I came here.

11 Q. What I'm saying is do you
12 have any additional documents that we
13 have not gone over?

14 A. E-mails to Ms. Liebman.

15 Q. That are not -- that are not
16 in here?

17 A. That's not on here, right.

18 Q. Anything else?

19 A. Huh-uh (negative
20 response).

21 Q. I'm sorry?

22 A. Sorry. My performance
23 assessments.

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1 Q. I'm sorry. What?

2 A. My performance
3 assessments.

4 Q. Okay. Anything else?

5 MR. WALKER: If I might
6 interject to save some time, there's
7 nothing she's reviewed that I didn't
8 produce.

9 MR. WILLIAMS: Let -- let
10 me -- let her -- let her tell me that.
11 I don't need you to tell me. I need her
12 to tell me what you reviewed.

13 You reviewed your
14 performance assessments?

15 A. Uh-huh (affirmative
16 response).

17 Q. You reviewed the e-mails
18 from Ms. Liebman. Have you reviewed
19 anything else in preparation for your
20 deposition?

21 A. No.

22 Q. Do you have any handwritten
23 notes that you prepared?

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1 A. These are stuff that was --
2 no.

3 Q. I'm sorry?

4 A. No. No.

5 Q. Well, what is all that?

6 A. This is just junk.

7 Q. Is it anything to do with
8 this?

9 A. No, it doesn't.

10 Q. What all I'm trying to find
11 out --

12 A. I -- I just brought it in
13 looking professional.

14 Q. You done a good job on that.
15 All I want to know is is there anything
16 else that you have reviewed to prepare
17 for your deposition other than the
18 e-mails, other than your performance
19 evaluations?

20 A. No.

21 Q. All right. You don't have
22 to look in there.

23 A. Okay.

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1 Q. Just all I want to know is
2 have you reviewed anything else?

3 A. No.

4 Q. Did you prepare any notes?

5 A. I prepared no notes. I just
6 mentally wrote things down for myself.

7 Q. When did you write things
8 down?

9 A. Sunday.

10 Q. Okay. And What were you
11 looking at to write things down?

12 A. Just pretty much my
13 performance assessment, e-mails, jot
14 down e-mails that I felt that was
15 important.

16 Q. Okay. Anything else that --
17 did you make any notes at the time this
18 occurred?

19 A. As far as what?

20 Q. Anything?

21 A. About what, the incident
22 occurred?

23 Q. Right. Right after it

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1 or any time?

2 A. Yes, I made several, several
3 notes.

4 Q. Well, where are they?

5 A. They may be at home. Made
6 copies, forward to my attorney. She
7 forwarded to her.

8 MR. WALKER: Anything I've
9 got I've given --

10 MS. JACOBS: I've got no
11 handwritten notes.

12 MR. WALKER: I've not --

13 A. No, no handwritten notes.

14 MR. WALKER: I've not gotten
15 any handwritten notes.

16 A. No.

17 MR. JACOBS: And I don't
18 have any --

19 MR. WALKER: I've not
20 received any handwritten notes.

21 Q. (By Mr. Williams) What have
22 you prepared? What have you prepared?

23 A. What you mean prepared?

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1 Q. Well, I mean, you just got
2 through telling me that you made some
3 notes?

4 A. I have this (indicated.)

5 Q. I thought you said that
6 didn't have anything to do with this?

7 A. This my performance
8 assessments.

9 Q. Okay. Other than that, I
10 thought you just told me that you had
11 made notes?

12 A. I just made notes on certain
13 things as far as, you know, when I got
14 the stick -- stack of stuff they sent
15 me, just wrote down some stuff that I
16 remembered. I wanted to remember.

17 Q. I'm confused. I thought
18 earlier I asked you during the course of
19 this after you say this occurred that
20 you made some notes?

21 A. Yes, I have made notes, not
22 handwritten, typed notes.

23 Q. All right. Where are

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1 they?

2 A. I e-mailed those to my
3 attorney. They were notes that I jotted
4 down.

5 MR. WALKER: Wait. Wait.
6 Time out. Any correspondence that has
7 taken place between she and I are
8 questionably be privileged and wouldn't
9 have anything to do with this
10 deposition.

11 Q. Right. I'm not asking about
12 that. All I want to know is you -- you
13 just told me earlier that you prepared
14 notes during the course of -- after this
15 incident; correct?

16 A. Correct.

17 Q. You made those notes?

18 A. Correct.

19 Q. All right. And then you
20 sent them to your lawyer?

21 A. Correct.

22 MR. WALKER: She made them
23 for her lawyer.

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1 MR. WILLIAMS: Well, now are
2 you going to testify or you going to let
3 her?

4 MR. WALKER: I'm trying to
5 clarify.

6 MR. WILLIAMS: Well, I mean
7 I -- I -- that's not what she just said.

8 Let me ask you this: The
9 notes that you made, when did you make
10 them?

11 A. I made them ongoing. Every
12 time something happened, I took notes.
13 I typed them. I sent them to my
14 attorney.

15 Q. Right. Anything else that
16 you looked at or reviewed?

17 A. Such as?

18 Q. Well, see, I don't know
19 because I didn't review it. That's why
20 I'm asking you.

21 A. I'm just wondering what --
22 which line -- I mean, review like what?

23 Q. Well, you -- did you prepare

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1 for the deposition?

2 A. I prepared myself mentally
3 for the deposition.

4 Q. What about reviewing
5 documents?

6 A. My e-mails that I stated
7 earlier.

8 Q. All right. Now, tell me
9 about how you go about preparing those
10 e-mails.

11 A. If something happened, I'd
12 type it down. An incident occurred, I'd
13 type it up. I sent it to myself at home
14 and I sent it to my attorney.

15 Q. Like give me an example of
16 something.

17 A. The parking lot incident;
18 such and such date this occurred.

19 Q. You would document what had
20 occurred and you would put what the
21 circumstances were; correct?

22 A. Correct.

23 Q. And anytime anything like

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1 this intimidation you talked about, you
2 would do -- type that up and say what
3 had happened?

4 A. Correct.

5 Q. What other -- give me some
6 other examples.

7 A. That's basically it.

8 Q. All right. Other than
9 reviewing those e-mails to prepare for
10 your deposition, and other ones from Ms.
11 Liebman and then your performance
12 evaluations --

13 A. Uh-huh (affirmative
14 response).

15 Q. -- did you look at anything
16 else to help you prepare for the
17 deposition?

18 A. The file that they sent me I
19 made copies for myself, the questions
20 that they wanted.

21 Q. The?

22 A. Ms. Jacobs.

23 MR. WALKER: Inter-

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1 rogatories.

2 Q. All right. Other than that
3 then?

4 A. No.

5 Q. Other than the e-mails,
6 performance evaluations?

7 A. That's it.

8 Q. Notes you prepared and the
9 interrogatories and request for
10 documents --

11 A. That's it.

12 Q. -- anything else? You know
13 right after you got off the elevator
14 after this -- you say this occurred, was
15 anyone standing there?

16 A. No.

17 Q. Nobody was a witness to that
18 either?

19 A. No.

20 Q. And you say this occurred,
21 this incident on the elevator, between
22 45 and 60 seconds?

23 A. The ride of the elevator?

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1 Q. Well, I mean, everything
2 that you say that happened happened in
3 that time frame?

4 A. The elevator ride, yes.

5 Q. All of what you've told us
6 about what you claim Mr. Williams did on
7 that elevator occurred between 45 and 60
8 seconds?

9 A. Yes.

10 Q. Let me ask you just a few
11 questions about this. You say that
12 he -- in Defendants' Exhibit 8, you say
13 he began rubbing my breast and then he
14 began putting his hand in my pants. Are
15 you talking about both hands, he's
16 rubbing you on your breast with --

17 A. No.

18 Q. -- both hands, putting both
19 hands in your pants?

20 A. No. He put his right hand
21 down my pants.

22 Q. And how is he holding you,
23 how is he restraining you?

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1 A. He's got his hands on this
2 way (indicated), push my body towards
3 his body and was holding me that way.

4 Q. He's holding you with one
5 arm?

6 A. Yes, he jerked, yes. At the
7 time, I was only 115 pounds.

8 Q. He's beside you or behind
9 you?

10 A. He's on the side of me.

11 Q. On your right side?

12 A. On my right side.

13 Q. And he's got which arm
14 around you?

15 A. He has his left arm around
16 me (indicated), grabbed me.

17 Q. Left arm around your
18 waist?

19 A. Yes.

20 Q. Standing beside your right
21 side?

22 A. He's on the right side. He
23 pressed his body right here and this was

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1 up under here and I'm pushing like that
2 (indicated).

3 Q. So he's got his left arm
4 around you?

5 A. Yes.

6 Q. And then he's pulling on
7 you?

8 A. Yes.

9 Q. And you're trying to pull
10 away?

11 A. I'm pushing.

12 Q. You're pushing?

13 A. Yes.

14 Q. You're not trying to pull
15 away, you're pushing?

16 A. No, I'm pushing.

17 Q. And you're screaming?

18 A. Get off. Yes, I was
19 screaming.

20 Q. And he takes -- while all
21 that's going on, he takes his right hand
22 and puts that in your pants?

23 A. Yes.

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1 Q. And then all that's still
2 going on and then he takes his right
3 hand out of your pants?

4 A. No.

5 Q. Okay. What did he do after
6 he took his --

7 He didn't take -- he
8 took his hand -- right -- the shirt was
9 tucked down in my pants. He grabbed me.
10 He pulled me in. And I looked, I said
11 get off me. He put his hand down my
12 pants, pulled the blouse up and start
13 beginning to rub on me saying I felt
14 good. He needed me to warm him up.
15 Then he was moving all up here and I
16 kept pushing off, get off -- get -- get
17 off of me. Then -- then he say -- bing,
18 alerts you that the elevator door is
19 going to open and he released me.

20 Q. So all the touching he did
21 on you on -- on your stomach and all
22 that, was with his right hand?

23 A. Yes.

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1 Q. He was using his left hand
2 to hold you?

3 A. He was restraining me like
4 this (indicated).

5 Q. Around your waist?

6 A. Yes.

7 Q. Well, the way you just
8 described it didn't sound like he stuck
9 his hand in your pants?

10 A. He did.

11 Q. He did.

12 A. Because my blouse was inside
13 of my pants.

14 Q. Okay.

15 A. He put his hand down in my
16 pants, pulled my shirt out.

17 Q. Okay.

18 A. My shirt was actually like
19 this (indicated) when I got off of the
20 elevator.

21 Q. Okay. Stuck his hand down
22 in the pants and pulled your shirt
23 out?

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1 A. No. Shirt inside my pants,
2 belt, slacks, gets on the elevator,
3 walks in the elevator, elevator door
4 closed. He proceeded -- when the
5 elevator door closed, he grabbed me,
6 pulled me towards him on this way
7 (indicated). This was locked under here
8 his frame (indicated). Push his hand
9 down in my pants, pulled my shirt out of
10 my pants. He was rubbing down -- he
11 start rubbing my stomach, then he moved
12 up.

13 Q. Did he actually touch your
14 breast?

15 A. Yes. He touched the bra
16 area of the breast.

17 Q. Okay. And then that's when
18 the elevator stopped right after that?

19 A. Bing. That's all I
20 remember, bing and he -- he released
21 me.

22 Q. You mentioned something
23 about your medical insurance. Who --

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1 that's probably through your employment.

2 Do you know what company that is,

3 whether that's Blue Cross --

4 A. Aetna.

5 Q. Aetna.

6 A. Uh-huh (affirmative
7 response).

8 Q. Now, you mentioned that they
9 ought to terminate Mr. Williams at EDS
10 or terminate Mr. Williams; right?

11 A. Because of the incident,
12 yes.

13 Q. Right. And what you would
14 be asking them to do is take your word
15 for what happened?

16 A. Yes.

17 Q. 'Cause if they take his
18 word, Mr. Williams' word, then he ought
19 not be terminated; right?

20 A. Correct.

21 Q. So why should they take your
22 word over his?

23 A. I can't answer for him.

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1 Q. Now, you told me -- told us
2 about all the doctors you've seen I take
3 it for your shoulder?

4 A. Yes.

5 Q. You got -- any other
6 physical injuries that you claim you
7 suffered other than your shoulder?

8 A. No.

9 Q. Now, who was the doctor if I
10 wanted to go and talk to a doctor and
11 find out what's wrong with your
12 shoulder, who's the one that knows the
13 most, is that Dr. Barrington?

14 A. Barrington.

15 Q. He's an orthopedic doctor?

16 A. Yes.

17 Q. He's told you you got torn
18 cartilage?

19 A. Some leakage or tear that
20 fluids leak out.

21 Q. Did he tell you that what
22 happened during the -- what you say
23 happened during this elevator ride in

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1 February '05 would have caused --

2 A. Yes.

3 Q. -- this kind of injury?

4 A. Yes.

5 Q. He has said that?

6 A. Yes.

7 Q. But you didn't see him until
8 2006; right?

9 A. Right.

10 Q. And what is it that showed
11 the problem with your shoulder, MRI?

12 A. Yes.

13 Q. Okay. While we're on that.
14 Let me ask you something about before
15 February of '05. Have you seen any
16 other doctors that we haven't talked
17 about?

18 A. Before '05?

19 Q. (Nodded head affirmatively.)

20 A. Yes, I had surgery on my
21 feet. Yes.

22 Q. Okay. Who was that?

23 A. Mark Veres.

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1 THE REPORTER: Mark who?

2 A. Veres.

3 Q. V-E-R-E-S?

4 A. Yes.

5 Q. All right. What about any
6 other physicians you've seen?

7 A. Other than -- no.

8 Q. Well, Dr. Saucer --

9 A. Other than that --

10 Q. -- for another problem. Any
11 other doctors?

12 A. No.

13 Q. Been hospitalized other than
14 with your children?

15 A. Other than female things,
16 no.

17 Q. And that would be Dr.
18 Saucer?

19 A. Correct.

20 Q. A surgical procedure?

21 A. Correct.

22 Q. Any other
23 hospitalizations?

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1 A. No.

2 Q. You had to go to the ER for
3 any problems that you've had?

4 A. No.

5 Q. None that you can think
6 of?

7 A. None that I can think of.

8 Q. All right. If you went to
9 the ER, where would you go?

10 A. Depends.

11 Q. On the emergency room?

12 A. Yeah.

13 Q. Before February of '05, had
14 you ever had to take anything to sleep
15 at all?

16 A. No.

17 Q. Have you been to a
18 psychologist, psychiatrist?

19 A. No.

20 Q. Counselor of any kind?

21 A. No.

22 Q. Have you ever had any
23 problems with Mr. Blue that resulted in

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1 you having him arrested --

2 A. No.

3 Q. -- or calling the police on
4 him, anything like that?

5 A. No.

6 Q. Any other other than
7 Mr. Blue, you ever had any problems with
8 any other boyfriends?

9 A. No. Mr. Williams about it.

10 Q. Were both your children born
11 here in Montgomery?

12 A. Yes.

13 Q. At which hospital?

14 A. One was at Maxwell. The
15 other one was at Jackson.

16 Q. Okay. And how is it at
17 Maxwell?

18 A. My father was in the
19 military.

20 Q. Okay. You told us about
21 Baptist East. But -- but can you not
22 tell us the name of any doctor?

23 A. No, I just started seeing

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1 them.

2 Q. All right. Where is that
3 located? It's not at the hospital?

4 A. It's at the hospital.
5 Actually, at the hospital.

6 Q. Okay. You go to the
7 hospital to see this doctor?

8 A. Has an office inside the
9 hospital.

10 Q. Okay. All right. Other
11 than what you've told us about while ago
12 about the notes that you made about the
13 different incidents that occurred, have
14 you documented anywhere anything else
15 that relates to this lawsuit in any
16 way?

17 A. No. Other -- no.

18 Q. You understand my
19 question?

20 A. No. I'm just --

21 Q. In other words, we've seen
22 the e-mails that you send.

23 A. Okay.

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1 Q. We've seen the statements
2 that you prepared. You told us that you
3 did some narratives that you prepared
4 that are typed.

5 A. Okay.

6 Q. Is there anything else that
7 you've done either writing it down?

8 A. No.

9 Q. Preparing narratives?

10 A. No.

11 Q. Doing tape recordings or
12 anything?

13 A. Just -- no.

14 Q. I mean --

15 A. You said type it out. Other
16 than the notes, I told you about those.

17 Q. Right.

18 A. That's it.

19 Q. You told me that.

20 A. That's it.

21 Q. Anything else --

22 A. That's it.

23 Q. -- you know, where you would

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1 write down and say, you know, this
2 happened today, keep a log or diary?

3 A. I -- yes, I do have one
4 notebook, one notebook.

5 Q. And what is that?

6 A. It's basically same thing
7 that I typed. I retyped them for --

8 Q. What, is this like a log or
9 what is this?

10 A. Yeah, it was a log.
11 Particular day and I typed it and
12 forward it.

13 Q. All right. Now, when did
14 you start doing that?

15 A. Mid summer, last year,
16 '05.

17 Q. So later after it occurred
18 after you had sent in your Defendants'
19 Exhibit No. 8, the thing is dated in
20 March, sometime after that --

21 A. Yes.

22 Q. -- you began this --

23 A. Yeah.

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1 Q. -- log? But you typed it?

2 A. Yes.

3 Q. What kind of thing would you
4 put in there?

5 A. Like the following incident,
6 stuff like that.

7 Q. That you say he -- where he
8 followed you?

9 A. Yes.

10 Q. And would you still have all
11 that?

12 A. I don't know. I don't think
13 so. Because once I typed it, I think I
14 just trashed it because I had a copy.

15 Q. Okay. Would this be
16 something you did on your computer?

17 A. Yes.

18 Q. All this preparation that
19 you did by way of notes or anything --

20 A. Just typed, yes.

21 Q. -- would be something you
22 put on your computer? Are you just
23 saying you would have deleted at some

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1 point in time?

2 A. Yes.

3 Q. But you probably could go
4 back and find it?

5 A. I doubt it because I redid
6 my computer.

7 Q. When did you do that?

8 A. When it crashed.

9 Q. When was that?

10 A. Back in December. My son
11 put a virus on it.

12 Q. So you got a new computer
13 now?

14 A. No.

15 Q. Okay. What did you do to
16 it?

17 A. Just restore it.

18 Q. Did someone do the work for
19 you?

20 A. No, I did it.

21 Q. You did it yourself?

22 A. Yes.

23 Q. You never filed

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1 bankruptcy?

2 A. No.

3 Q. And Mr. Walker's the only
4 lawyer you ever talked to about this?

5 A. Yes.

6 MR. WILLIAMS: Okay. We can
7 take just about five seconds. I think
8 we're probably --

9 MS. JACOBS: I'm going to
10 have a couple more questions.

11 MR. WILLIAMS: Okay. Why
12 don't you go ahead and then we'll do
13 that.

14 MS. JACOBS: Okay.

15

16 EXAMINATION CONTINUED BY MS. JACOBS:

17 Q. Do you still have any
18 contact with Mr. Blue?

19 A. Yes, periodically.

20 Q. How often?

21 A. Once or twice a week.

22 Q. Okay. And I think you've
23 testified he is the father of both your

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1 children?

2 A. Yes.

3 Q. But doesn't pay child
4 support?

5 A. No.

6 Q. Why not?

7 A. Have to ask him.

8 Q. Has he ever contributed to
9 their --

10 A. Yes.

11 Q. -- monetarily to their
12 education?

13 A. Yes.

14 Q. How often does he do that?

15 A. Periodically.

16 Q. Does he do it on a regular
17 basis?

18 A. No.

19 Q. Now, you testified earlier
20 that you typed some notes up. You --
21 Had you a -- I guess wrote them down
22 first, typed them up, and then would
23 send them to yourself and to your

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1 attorney?

2 A. Correct.

3 Q. Okay. So you typed them up
4 at work?

5 A. At home, at work, when the
6 incident happened, yes.

7 Q. Did you type any of them at
8 work on the computer --

9 A. Yes.

10 Q. -- at EDS?

11 A. Yes.

12 Q. And then from there you
13 would send them to yourself?

14 A. Yes.

15 Q. Otherwise why would you send
16 them to yourself?

17 A. Why?

18 Q. Yeah.

19 A. For the home computer.

20 Q. For your home computer;
21 right? But if you typed them at home,
22 you wouldn't send them to yourself
23 because you've got them; right?

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1 A. I'm sorry?

2 Q. I -- I'm just trying to
3 figure out why you would send them to
4 yourself if you typed them at home. If
5 you typed them at home, don't you have
6 them? So why would you resend it to
7 yourself, does that make sense?

8 A. I send them to -- myself an
9 e-mail. Whatever -- if I typed the
10 notes, I send them to Tara and my
11 attorney; those typed notes, this
12 incident happened.

13 Q. So you would send those to
14 Tara as well?

15 A. Some of them, yes.

16 Q. Not all of them?

17 A. No.

18 Q. Okay. And did they have
19 anything in them other than this is what
20 happened?

21 A. I don't think so.

22 Q. Okay. So you didn't say
23 this is what happened. What should I do

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1 about it. It would just be a factual
2 statement to your attorney, this is the
3 facts that happened?

4 A. Those are the notes from
5 home.

6 Q. Right.

7 A. Right.

8 Q. What about the ones from
9 work?

10 A. Those are pretty much
11 incidents that happened and letting
12 Tara, whomever know what happened and
13 also send him a copy.

14 Q. Okay. So once again you're
15 not seeking advice, you're just saying
16 this is what happened?

17 A. Right. Right.

18 Q. Okay. And any of the ones
19 that you sent him from home saying this
20 is what happened today, did you ask him
21 any advice --

22 A. No.

23 Q. -- in those e-mails?

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1 A. No.

2 MS. JACOBS: I'd ask that
3 any of those e-mails be produced. The
4 facts --

5 MR. WALKER: I'm sorry.

6 MS. JACOBS: Any of those
7 e-mails that she sent to you, if all
8 they have is facts in them they're
9 producible. They are not
10 attorney/client privilege.

11 MR. WALKER: I'll take a
12 look at them and see.

13 MS. JACOBS: She has stated
14 she wasn't seeking legal advice. She
15 was just telling you what happened.

16 MR. WALKER: I'll -- I mean,
17 I'll review them. I'll take a look at
18 them and see.

19 Q. (By Ms. Jacobs) Your
20 attorney provided me some supplemental
21 interrogatories today. And they have a
22 couple of names on here that we haven't
23 talked about with respect to doctors.

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1 Dr. Benjamin Wouters.

2 A. Wouters.

3 Q. W-O-U-T-E-R-S?

4 A. That's with Miller. He's
5 with Miller. MRI, the ECG.

6 Q. Okay. And have you seen
7 him --

8 A. No. Well, since that
9 incident?

10 Q. Right.

11 A. Yes, I saw him on '05.

12 Q. He's the person that
13 performed the --

14 A. Yes.

15 Q. -- MRI?

16 A. The ECG or something.

17 Q. Any other time that you saw
18 Dr. Wouters?

19 A. No.

20 Q. Okay. What about Dr. Oscar
21 Orille?

22 A. I think that's another one
23 who did the MRI.

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1 Q. He's with Dr. Miller as
2 well?

3 A. No. He's with Baptist.

4 Q. Okay.

5 A. Would have been at Baptist,
6 yeah.

7 Q. So Dr. Miller is with
8 Baptist as well?

9 A. He's Jackson and Baptist.

10 Q. Okay. Now, in this lawsuit,
11 you're obviously seeking damages of some
12 kind.

13 A. Okay.

14 Q. What do you want out of this
15 lawsuit? What damages have you
16 suffered?

17 A. Mental, physical.

18 Q. Monetarily you haven't lost
19 any wages; correct?

20 A. No.

21 Q. 'Cause you're still
22 employed?

23 A. Correct.

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1 Q. Okay. Any other monetary
2 damages you're seeking? Obviously, if
3 you're not seeking wages, anything
4 else --

5 A. I'm --

6 Q. -- besides for mental
7 anguish or something?

8 A. No.

9 Q. Okay. Medical expenses?

10 A. Yes.

11 Q. Are they covered under your
12 medical --

13 A. Not all of it.

14 Q. What part isn't, your
15 copay?

16 A. Copay, yes.

17 Q. Okay. So your copay you
18 think you're entitled to?

19 A. Yes.

20 Q. Okay. Anything else?

21 A. Attorney.

22 Q. Okay. Anything else?

23 A. No.

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1 Q. Okay. Can you put a dollar
2 amount on what you think your mental
3 anguish has been?

4 A. No.

5 Q. You can't?

6 A. No.

7 Q. Why not?

8 A. I just can't.

9 Q. Okay. You can't tell me
10 what you'd ask a jury to award you?

11 A. No, I never actually thought
12 of that, thought that.

13 Q. You've never thought of how
14 much money you could get out of this
15 lawsuit?

16 A. No, did not.

17 Q. And you've never talked to
18 anybody about how much money you could
19 get out of this lawsuit?

20 A. No.

21 MS. JACOBS: Why don't we
22 take the five minute break and we'll
23 wrap it up.

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1 MS. VIDEOGRAPHER: Off the
2 record. The time is 1:38.

3
4 (A brief recess was taken.)

5
6 MS. VIDEOGRAPHER: Back on
7 the record. The time is 1:42.

8 Q. (By Ms. Jacobs) Ms. Jacobs,
9 have you understood our questions today
10 or let us know when you haven't?

11 A. Yes.

12 Q. Okay. And have you tried to
13 answer truthfully and fully and
14 accurately to the best of your
15 ability?

16 A. Yes.

17 Q. Okay. Are there any issues
18 that you think you need to clear up
19 before we go off the record today?

20 A. No.

21 Q. No?

22 A. No.

23 MS. JACOBS: Okay. Any

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1 further questions?

2 MR. WILLIAMS: No further
3 questions.

4 MR. WALKER: I don't have
5 anything.

6 MS. JACOBS: Okay.

7 MS. VIDEOGRAPHER: We
8 conclude the deposition. The time is
9 1:42.

10

11

12

13

14

15 FURTHER DEPONENT SAITH NOT

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